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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,899	10/21/2003	Kenneth A. Stevens	923071-94688(1017.3)	3988
23644	7590	07/27/2005	EXAMINER	
BARNES & THORNBURG P.O. BOX 2786 CHICAGO, IL 60690-2786			MORRISON, THOMAS A	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/689,899	STEVENS, KENNETH A.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thomas A. Morrison	3653	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 2-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I (i.e., claim 1) in the reply filed on July 6, 2005 is acknowledged.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

For example, it is unclear how many advancing sheets are claimed in claim 1.

Next, it is unclear what is meant by the recited "minimized pressure" in lines 5-6.

Claim 1 recites the limitation "each sequential lead sheet" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Furthermore, claim 1 recites the limitation "said creeper belts" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Moreover, it is unclear if the recited "sheets" in line 9 are the same or different from the previously recited "advancing sheets", "sequential lead sheet", etc.

In addition, it is unclear if the recited "sheets" in line 10 are the same or different from the previously recited "advancing sheets", "sequential lead sheet", etc. The above indefiniteness problems are merely exemplary. Applicant should review claim 1 and make the language consistent throughout this claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 20020014736 (Katou et al.) (hereinafter "the Katou et al. publication") in view of U.S. Patent No. 4,928,944 (Goliez). In particular, the combination of the Katou et al. publication and the Goliez patent meets all of the limitations of claim 1.

Regarding claim 1, Figs. 3 and 6-7 of the Katou et al. publication show a sheet feeding apparatus (1) including a sheet feeder (80) having a feed table (808) for maintaining edgewise thereon a stack of sheets (Fig. 6 or 7), the sheet feeder (80) including a stack advancing belt (807) for advancing the stack toward a feeding end thereof, upper edge paper guides (812) for maintaining upper edges of advancing sheets in the stack and separating advancing sheets thereof at minimized pressure, a singulator apparatus (including 801) drawing each sequential lead sheet from the stack through a singulator aperture (near 801) thereof, the creeper belt (807) and singulator

apparatus (including 801) being synchronously driven in a sheet advancing direction and in a reverse direction (See, e.g., numbered paragraphs [0045] and [0046] for the sheet advancing direction and numbered paragraphs [0041] and [0042] for the reverse direction), and a controlled sheet path gap assembly (near 902b in Fig. 3) receiving sheets from the singulator apparatus (including 801) including a plurality of transport ramps (i.e., ramps shown on 902b) for directing sheets through a controlled gap;

a transport (near 901b) receiving sheets from the control lead sheet path gap for transporting sheets to a downstream device (30 or 40), the transport including a second sheet receiving input (near 901a) independent of receipt from the controlled sheet path gap assembly (near 902b in Fig. 3) for inputting thereat sheets from one or more additional sheet feeding devices (e.g., 81). The transport can include any elements shown in Fig. 3 that transport sheets including the mechanisms on the right-hand side near numeral (90) and on the top near numeral (30). As outlined above, the Katou et al. publication shows a stack advancing belt (807), but does not specifically show a plurality of belts as set forth in claim 1. See, e.g., Figs. 6 and 7 of the Katou et al. publication.

The Goliez patent shows that it is well known in the art to provide a sheet feeder with a plurality of stack advancing belts (26) to provide indexed incremental movement of a stack. See, e.g., column 4, lines 11-27 of the Goliez patent. It would have been obvious to one of ordinary skill in the art at the time the invention was made, to provide the sheet feeder of the Katou et al. publication with a plurality of belts instead of the belt 807, because such a modification merely replaces one well-known stack advancing

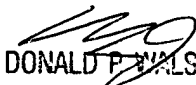
device with another well-known stack advancing device that performs the same function.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (571) 272-6944. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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